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October 11, 2007

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Hon. Laura Taylor Swain, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 755
New York, New York 10007

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo
Endorsement is sent is responsible for faxing or
otherwise delivering promptly a copy to all counsel
and unrepresented parties and filing a certificate of
such service within 5 days from the date hereof. Do
not fax such certification to Chambers.

Re: **Cruz, et al. v. US Health Clean**
Docket No. 07 Civ. 6392 (LTS)

Dear Judge Swain:

We represent Plaintiffs in the above-referenced matter. Plaintiffs, Trustees of multiemployer benefit funds, filed their Complaint on July 12, 2007 and Defendant was served on July 19, 2007. Thereafter, David Clark, counsel for Defendant, contacted us regarding the lawsuit and requested Plaintiffs' consent to an extension of time for Defendant's answer to the Complaint. After obtaining Defendant's consent to an audit by Plaintiffs' accountants, Plaintiffs consented to Defendant's initial and second requests for extensions of time to answer the Complaint, which were subsequently granted by the Court on August 20, 2007 and September 14, 2007. Defendant filed its answer with the Court on September 21, 2007. On September 24, 2007, the audit findings against Defendant were issued by Plaintiffs' auditors. By letter of October 4, 2007, Defendant timely submitted a written rebuttal to the Plaintiffs' audit findings, which are now under review by Plaintiffs' auditors.

Hon. Laura Taylor Swain, U.S.D.J.

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October 11, 2007

An initial conference was scheduled in this matter for October 12, 2007. On October 10, 2007, I spoke with Tyler Friedman from your Chambers regarding the status of the litigation. Mr. Friedman recommended that I confer with counsel for Defendant and notify the Court of the parties' request for adjournment of the initial conference and dates for availability for the initial conference. On October 11, 2007, I conferred with Mr. Clark regarding the continuing audit review and settlement. Presently, the parties anticipate settling this matter upon completion of the audit review. In light of the audit status and the parties' settlement expectations, the parties respectfully request an adjournment of the initial conference from October 12, 2007 to December 4, 5, or 6, 2007. The length of time requested by the parties for the adjourn date of the conference is to allow for completion of the audit review and settlement negotiation. Neither Plaintiffs nor Defendant have previously requested an adjournment of a conference in this case.

Respectfully submitted,



Kellie Terese Walker

KTW:aa

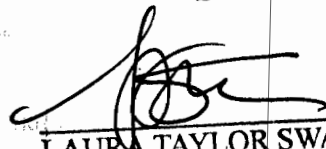
cc: For Defendant

David J. Clark, Esq. (via first class mail and facsimile)

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The conference is adjourned to
December 4, 2007, at 12pm and
the related deadlines are
modified accordingly.

SO ORDERED.


10/12/07
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE